APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,248	12/03/2001	Brian C. Barnes	2000.056500	7937

23720	7590	04/14/2005

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EXAMINER
LEMMA, SAMSON B

ART UNIT	PAPER NUMBER
2132	

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/005,248	BARNES ET AL.
	Examiner	**Art Unit**	
	Samson B Lemma	2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>03 December 2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>4</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☒ Other: Status Letter 3/7/05

DETAILED ACTION

1.   **Claims 1-24** have been examined.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

> (b) the invention was patented or described in a printed publication in this or a
> foreign country or in public use or on sale in this country, more than one year prior to
> the date of application for patent in the United States.

3.   **Claims 1-24** are rejected under 35 U.S.C. 102(b) as being anticipated by

Richard P. Draves (hereinafter referred as **Draves**) (U.S. Patent No 5,802,590)

4.   **As per claim 9 Draves discloses an apparatus, comprising:**

- **A processor** [Figure 2, ref. Num "250"] **for running code**

thereon,[Column 1, lines 13-14; column 4, lines 16-17] and

- **For associating a first security identification (ID) with each of**

a plurality of instructions or a set of instructions that are to

be executed by the processor; [Figure 3, ref. "handle/key"] (As shown on figure

3, for each multiplicity/plurality of processes a handle/key pair is associated.)

Wherein

- **The processor receives** [column 3, lines 63-65; The OS kernel is

inherently operates in the processor] **a request to execute at least one of the**

plurality of instructions or set of instructions by the code running thereon,

obtains a second security ID [figure 1, ref. Num "110/120"] associated with

the code, [column 3, lines 63-64]

- **Compares the second security ID with the first security ID,**

and executes the requested instruction or set of instructions providing

that the second security ID matches the first security ID. [column 3, lines

64-67; figure 8, ref. Num "830" and column 4, lines 8-10] (When a matching

key is found, the kernel allows the process to access/executes the requested

instruction or set of instructions /resource/program as explained on column 4,

lines 8-10)

5.   **As per claim 1,** Claim 1 recites the method version of the independent claim 9

and likewise rejected by the same analogy/ground as that of claim 9.

6.   **As per claim 17,** Claim 17 recites the same limitations as that of the

independent claim 9 and therefore rejected by the same analogy/ground as that of

claim 9.

7.   **As per claims 2, 10 and 18,** **Draves** discloses the method/apparatus/article as

applied to claims 1, 9 and 17 above. Furthermore, **Draves** discloses the

method/apparatus/article comprising denying the execution of the requested

instruction or set of instructions providing that the first and second security IDs

mismatch. [Column 4, lines 5-8; figure 8, ref. Num "830"]

8.   **As per claims 3, 11 and 19,** **Draves** discloses the method/apparatus/article as

applied to claims 1, 9 and 17 above. Furthermore, **Draves** discloses the

method/apparatus/article wherein associating a first security identification (ID) further

comprises: storing a first security identification (ID) with each of a plurality of

instructions or a set of instructions that are to be executed by a processor.[Column 3, lines 59-62] (The stored resource contains a copy of the key meets the recitation of this claim.)

9.   **As per claims 7, 15 and 23,** Draves discloses the method/apparatus/article as applied to claims 1, 9 and 17 above. Furthermore, **Draves** discloses the method/apparatus/article wherein comparing the second security ID with the first security ID further comprises: comparing a portion of the second security ID with a portion of the first security ID.[Column 4, lines 8-10] (A process access for executing the requested instruction or set of instructions or a program or in general accessing the resource is allowed when a match is found by comparing all portions of the first and second identification)

10.   **As per claims 8, 16 and 24,** Draves discloses the method/apparatus/article as applied to claims 7, 15 and 23 above. Furthermore, **Draves** discloses the method/apparatus/article wherein executing the requested instruction or set of instructions providing that the second secuity ID matches the first security ID further comprises:

- Executing the requested instruction or set of instructions providing that the portion of the second security ID matches the portion of the first security ID. [Column 4, lines 8-10] (A process access for executing the requested instruction or set of instructions or a program or in general accessing the resource is allowed when a match is found by comparing all portions of the first and second identification)

Claim Rejections - 35 USC § 103

11.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for

all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a
> whole would have been obvious at the time the invention was made to a person having
> ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

12.   **Claims 4-6, 12-14 and 20-22** are rejected under 35 U.S.C. 103(a) as

being unpatentable over **Richard P. Draves** (hereinafter referred as **Draves**)

(U.S. Patent No 5,802, 590) in view of **Krueger et al**, (hereinafter referred to as

Krueger) (U.S. Patent No. 4,962,533)

13.   **As per claims 4-6, 12-14 and 20-22**, **Draves discloses**

- **A processor** [Figure 2, ref. Num "250"] **for running code**

thereon,[Column 1, lines 13-14; column 4, lines 16-17] and **for associating a**

first security identification (ID) with each of a plurality of instructions or a

set of instructions that are to be executed by the processor; [Figure 3, ref.

"handle/key"] **(**As shown on figure 3, for each multiplicity/plurality of processes

a handle/key pair is associated.**)**

        Draves does not explicitly discloses

- A first security identification (ID) further comprises:

Classifying at least one instruction or set of instructions from a plurality

of instructions that are to be executed by a processor as being security sensitive;

And associating a first security identification (ID) with each of the instructions or

set of instructions that are classified as security sensitive.

However, in the same field of endeavor, **Krueger** discloses

Classifying at least one instruction or set of instructions from a plurality

of instructions that are to be executed by a processor as being security

sensitive and associating a first security identification (ID) with each of

the instructions or set of instructions that are classified as security

sensitive;[Column 2, lines 43-46; abstract and] (computer system uses

security labels for every word in memory and according to the present

invention, in a computer system every word in the memory has a

corresponding label/ security identification. This label indicates the

security classification, and compartments if any, of that word of data)

It would have been obvious to one having ordinary skill in the art, at the time

the invention was made, to combine the features of having a classification for one

instructions/program and associating security identification/label with each

instructions or set of instructions as per teachings of **Krueger** in to the method as

taught by **Draves**, in order provide a security technique for a computer system in which

data retains its classification with a straightforward and reliable mechanism for

separating sensitive and non-sensitive data within the system.[see **Krueger** column 2,

lines 19-21 and 39-41]

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Samson B Lemma whose telephone number is 571-

272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4:

30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax

phone number for the organization where this application or proceeding is assigned

is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published

applications may be obtained from either Private PAIR or Public PAIR. Status

information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAMSON LEMMA

S.L.

03/30/2005
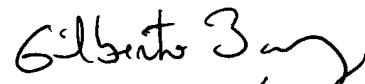
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